

APPENDIX
37 CFR 1.131 AFFIDAVIT

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

In re U.S. Application of:
Dynan, William S.
Shuyi, Li
Yoshihiko, Takeda

Serial No. 10/813,977

Filed March 31, 2004

Compositions and Methods for Modulating
DNA Repair

Art Unit: 1642

Examiner: Aeder, Sean E.

Affidavit Under 37 CFR 1.131

Before me, the undersigned notary public in and for the State of Georgia, Richmond County, personally appeared William S. Dynan, Li Shuyi and Takeda Yoshihiko, who, being known by and identified to me, state the following:

1. We, the undersigned, are over the age of nineteen years of age and have personal knowledge of the matters contained herein, and are otherwise competent to make this affidavit.

We hereby declare the following of our own knowledge or upon due investigation.

2. We are the listed inventors on United States Patent Application No. 10/813,977 (filing date March 31, 2004) and are the sole inventors of the material described and claimed in said application.

3. We are listed as authors on a scientific publication entitled "Modification of the ionizing radiation response in living cells by an scFv against the DNA-dependent protein kinase" published in Nucleic Acids Research Volume 31, no 20 (2003, pp.5848-5857) (hereinafter, the "Publication"). Additional authors on the Publication were Stephanie Wragg, John Barrett and Andrew Phillips

4. We hereby state that we are the sole inventors of the subject matter disclosed and described in the Publication and that Stephanie Wragg, John Barrett and Andrew Phillips were merely working under the direction of William S. Dynan, Li Shuyi and/or Takeda Yoshihiko.

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Application No.
Reply to Office Action Dated

STATE OF GEORGIA)
 :
RICHMOND COUNTY)

Before me, a notary public in and for said county in said state, personally appeared Li Shuyi, who states on oath that he has read the foregoing Affidavit and is informed and believes and, upon the basis of such information and belief, avers that the facts alleged therein are true and correct.

Shuyi Li
Li Shuyi

Subscribed and sworn to before me this 28 day of July, 2006.


Angelica L Compton
Notary Public
My commission expires: 11/14/2009



Application No.
Reply to Office Action Dated

STATE OF GEORGIA)
 :
RICHMOND COUNTY)

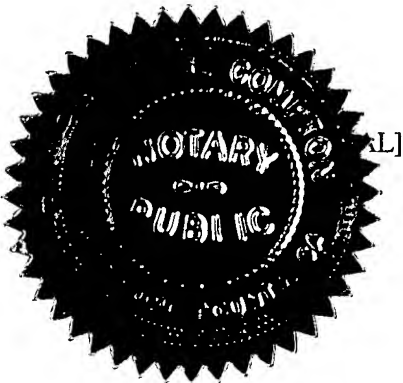
Before me, a notary public in and for said county in said state, personally appeared William S. Dynan, who states on oath that he has read the foregoing Affidavit and is informed and believes and, upon the basis of such information and belief, avers that the facts alleged therein are true and correct.


William S. Dynan

Subscribed and sworn to before me this 28 day of July, 2006.


Angela L. Compton, Notary Public

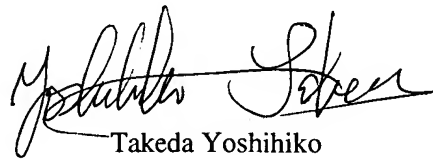
My commission expires: 11/14/2009



Application No.
Reply to Office Action Dated

STATE OF GEORGIA)
 :
RICHMOND COUNTY)

Before me, a notary public in and for said county in said state, personally appeared Takeda Yoshihiko, who states on oath that he has read the foregoing Affidavit and is informed and believes and, upon the basis of such information and belief, avers that the facts alleged therein are true and correct.


Takeda Yoshihiko

Subscribed and sworn to before me this 28 day of July, 2006.

 Notary Public
My commission expires: 11/14/2009

